REMARKS/ARGUMENTS:

Claims 1 – 14 of the present application have been canceled. Claim 15 has been amended. Claims 16 – 19 are new.

Claim 15 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Howell, et al. (GB 2308947 A) ("Howell", also referred to by the Examiner as "Butler") in view of Pollack (US 4,854,328). The Applicant respectfully traverses this rejection.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. MPEP 2143.03, citing: In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

The Examiner alleges that Butler discloses a method for monitoring body temperatures of an object, animal or person comprising the following steps: a) providing each animal with a radio frequency identification transponder having a temperature sensor for sensing animal temperature; b) providing at least one radio frequency receiver and transmitter for transmitting radio frequency signals to said transponders and receiving radio frequency signals there from representative of animal temperature; and c) providing a microcontroller 5 having a memory 6 for storing a plurality of temperature reading from said herd animals.

The Examiner also recognizes that Butler fails to disclose the step (d) of providing an alarm indication when a temperature reading from any herd animal is above a predetermined maximum, but alleges that Pollack discloses the step of providing an alarm indication when a temperature reading from any herd animal is above a predetermined threshold.

Claim 15 has been amended for clarification. Claim 15, as amended, includes the step of providing a microcontroller having a memory for storing a plurality of temperature readings from the herd animals, where the microcontroller provides an alarm indication when a temperature reading from any herd animal is above a predetermined maximum.

Neither Howell nor Pollack, alone or together, teach or suggest a method for monitoring body temperatures in a plurality of herd animals for detection of bovine respiratory disease where a microcontroller stores the temperature reading for all of the herd animals, and where the

microcontroller provides an alarm indication when a temperature reading from any of the herd animals is above a predetermined maximum. The microcontroller 5 and memory 6 referenced in the Howell reference are incorporated within an individual transponder having a sensor 7 which is responsive to a parameter of the environment within which the tag is located. See: page 6, lines 8 – 10. Nowhere does the Howell reference teach or suggest a microcontroller that stores the temperature readings for all of the herd animals and provides an alarm indication when a temperature reading from any herd animal is above a predetermined maximum. Likewise, even though the Pollack reference teaches a receiver that provides an alarm indication, Pollack also fails to teach or suggest a microcontroller that stores the temperature readings for all of the herd animals, where the microcontroller provides an alarm indication when a temperature reading from any herd animal is above a predetermined maximum. The receiver taught by Pollack is an ear tag which receives the signal for only the animal to which the tag is attached, and, correspondingly, provides an alarm indication for only that animal. Nowhere does the Pollack reference teach or suggest a microcontroller that stores the temperature readings for all of the herd animals and provides an alarm indication when a temperature reading for any herd animal is above a predetermined maximum. Thus, neither Howell nor Pollack, alone or together, teach or suggest the method of claim 15.

It is respectfully suggested that the rejection of claim 15, as amended, can be properly withdrawn.

New claims 16-19 are directed to a system for monitoring body temperatures in a plurality of herd animals including radio frequency identification transponders for each animal, a reader/interrogator for reading the transponders, and a microcontroller for processing the animal temperature data for all of the herd animals and providing an alarm indication when the temperature data for any herd animal is above a predetermined value. Neither Howell nor Pollack, nor any other reference of which the Applicant is aware, teach or suggest such a system.

Therefore, in light of the above amendments and remarks, Applicants respectfully request allowance of all claims now pending in the present application.

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Reply to Office Action of Nov. 17, 2004

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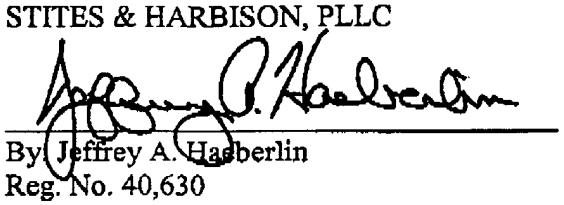
Respectfully submitted,
STITES & HARBISON, PLLC



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